

**Permitting & Assistance Branch Staff Report**  
Revised Solid Waste Facilities Permit for the  
Tehachapi Sanitary Landfill  
SWIS No. 15-AA-0062  
June 23, 2015

**Background Information, Analysis, and Findings:**

This report was developed in response to the Kern County Local Enforcement Agency's (LEA) request for the Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a proposed revised Solid Waste Facilities Permit (SWFP) for the Tehachapi Recycling & Sanitary Landfill, located in Kern County and owned and operated by Kern County Waste Management Department. A copy of the proposed permit is attached. This report contains Permitting & Assistance Branch staff's analysis, findings, and recommendations.

The proposed permit was initially received on April 8, 2015. A new proposed permit was received on May 21, 2015. Action must be taken on this permit no later than July 20, 2015. If no action is taken by July 20, 2015, the Department will be deemed to have concurred with the issuance of the proposed revised SWFP.

**Proposed Changes**

The following changes to the first page of the permit are being proposed:

	Current Permit (2007)	Proposed Permit
Permitted Acreage	196.16	239.76
Permitted Maximum Elevation	4,065' msl	4,085' msl*
Remaining Capacity (cubic yards)	3,383,723	4,000,000
Estimated Closure Date	2014**	2020

Other Changes include:

1. Replace the existing vadose zone suction lysimeter network with increased monitoring frequency of the current network of landfill gas monitoring wells.
2. Update operating documents and approvals.
3. Update terms and conditions to current standards.

## **Key Issues**

The proposed permit will allow for the following:

1. Increase the permitted facility boundary from 196.16 to 239.76 acres which will increase the additional buffer land located west of the landfill's current permitted boundary by 43.6 acres;
2. Increase the permitted maximum elevation of the landfill from 4,065' msl to 4,085' msl (includes final cover), an increase of 20 vertical feet;
3. Increase the total designed airspace, including final closure cover, from 3,388,723 cubic yards to 4,000,000 cubic yards, and;
4. Extend the estimated closure year date from 2014\* to 2020.

\*Includes Final Cover

\*\* Kern County Waste Management provided calculations in 2012 indicating adequate capacity until December 2015. The Lahontan Regional Water Quality Board approved the proposed elevation expansion without revision of the WDR's in a letter dated April 24, 2015.

## **Background**

Tehachapi Sanitary Landfill is operating under a SWFP issued in December 2007 and is an existing publicly owned and operated disposal facility, servicing the City of Tehachapi and the surrounding community.

## **Findings:**

Staff recommends concurrence in the issuance of the proposed revised SWFP. All of the required submittals and findings required by Title 27 of the California Code of Regulations (27 CCR), Section 21685, have been provided and made. Staff has determined that the California Environmental Quality Act (CEQA) requirements have been met to support concurrence. The findings that are required to be made by the Department when reaching a determination are summarized in the following table. The documents on which staff's findings are based have been provided to the Branch Chief with this Staff Report and are permanently maintained by the Waste Permitting, Compliance, and Mitigation Division.

27 CCR Sections	Findings	
21685(b)(1) LEA Certified Complete and Correct Report of Facility Information	The LEA provided the required certification in their permit submittal letter dated May 21, 2015.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(2) LEA Five Year Permit Review	A Permit Review Report was prepared by the LEA on March 27, 2015. The LEA provided a copy to the Department on April 6, 2015. The changes identified in the review are reflected in this permit revision.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

27 CCR Sections	Findings	
21685(b)(3) Solid Waste Facility Permit	Staff received a proposed Solid Waste Facilities Permit on May 21, 2015	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(4)(A) Consistency with Public Resources Code 50001	The LEA in their permit submittal package received on April 6, 2015 provided a finding that the facility is consistent with PRC 50001. Waste Evaluation & Enforcement Branch (WEEB) staff in the Jurisdiction Compliance Unit found the facility is identified in the Countywide Siting Element, as described in a memorandum dated April 17, 2015.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(5) Preliminary or Final Closure Plan Consistency with State Minimum Standards	Engineering Support Branch staff in the Closure and Facility Engineering Unit have found the Preliminary Closure/Postclosure Maintenance Plan consistent with State Minimum Standards as described in their memorandum dated April 8, 2015.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(6) Known or Reasonably Foreseeable Corrective Action Cost Estimate	Engineering Support Branch staff in the Closure and Facility Engineering Unit have found the written estimate to cover the cost of known or reasonable foreseeable corrective action is approved as described in their memorandum dated September 22, 2014.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(7)(A) Financial Assurances	Permitting and Assistance Branch staff in the Financial Assurances Unit found the Financial Assurances for closure, postclosure and corrective action in compliance as described in their memorandum dated June 18, 2015.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(7)(B) Operating Liability Insurance	Permitting and Assistance Branch staff in the Financial Assurances Unit found the Operating Liability in compliance as described in their memorandum dated June 18, 2015.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(8) Operations Consistent with State Minimum Standards	WEEB staff in the Inspections and Enforcement Agency Compliance Unit found that the facility was in compliance with all operating and design requirements during an inspection conducted on May 20, 2015. See Compliance History below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(9) LEA CEQA Finding	The LEA provided a finding in their permit submittal package received on May 21, 2015, that the proposed permit is consistent with and supported by the existing CEQA documentation. See the Environmental Analysis below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

27 CCR Sections	Findings	
21650(g)(5) Public Notice and/or Meeting, Comments	A Public Informational Meeting was held by the LEA on February 26, 2015. Oral comments were addressed by LEA staff. See Public Comments section below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
CEQA Determination to Support Responsible Agency's Findings	The Department is a responsible agency under CEQA with respect to this project. Permitting and Assistance Branch staff has determined that the CEQA record can be used to support the Branch Chief's action on the proposed revised SWFP.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

### **Compliance History:**

WEEB staff in the Inspections and Enforcement Agency Compliance Unit conducted a pre-permit inspection on May 20, 2015, and found that the facility is in compliance with applicable state minimum standards and permit conditions.

Tehachapi Sanitary Landfill has not been cited for a violation from 2010 to present.

### **Environmental Analysis:**

Under CEQA, the Department must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed SWFP before the Department concurs in it. In this case, the Department is a Responsible Agency under CEQA and must utilize the environmental document prepared by the Kern County Waste Management Department, acting as Lead Agency, absent changes in the project or the circumstances under which it will be carried out that justify the preparation of additional environmental documents and absent significant new information about the project, its impacts and the mitigation measures imposed on it.

The changes that will be authorized by the issuance of the proposed permit include: Increase the permitted facility boundary from 196.16 to 239.76 acres, increase the permitted maximum elevation of the landfill from 4,065' mean sea level (msl) to 4,085' msl (includes final cover), increase the total designed airspace, including final closure cover, from 3,400,000 cubic yards to 4,000,000 cubic yards, and; extend the estimated closure year date from 2014 to 2020. These changes are supported by the following environmental document.

A Supplemental Environmental Impact Report (SEIR), State Clearinghouse No. 2006021089, was circulated for a 30 day comment period from August 12, 2014 to September 19, 2014. The SEIR did not identify significant and unavoidable impacts. The Final Supplemental EIR was certified by the Lead Agency October 2014.

Department staff further recommends the Final Supplemental Environmental Impact Report, with all other CEQA documents adopted by the LEA, is adequate for the Branch Chief's environmental evaluation of the proposed project for those project activities

which are within the Department's expertise and/or powers, or which are required to be carried out or approved by the Department.

The Kern County Environmental Health Division has provided a finding that the proposed revised SWFP is consistent with and supported by the cited environmental document.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, utilize the Final Environmental Impact Report as prepared by the Lead Agency in that there are no grounds under CEQA for the Department to prepare a subsequent or supplemental environmental document or assume the role of Lead Agency for its consideration of the proposed revised SWFP.

The administrative record for the decision to be made by the Department includes the administrative record before the LEA, the proposed revised SWFP and all of its components and supporting documentation, this staff report, the Final Environmental Impact Report adopted by the Lead Agency, and other documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to, the proposed revised SWFP. The custodian of the Department's administrative record is Dona Sturgess, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

**Public Comments:**

The project document availability, hearings, and associated meetings were noticed consistent with the SWFP requirements. The LEA held a public informational meeting on February 26, 2015, at the Tehachapi Memorial Veterans Hall in the City of Tehachapi. One member of the public was in attendance. The LEA and operator responded to the attendee's questions regarding land ownership, county waste capacity, additional opportunities to comment, and the permit review process. No written comments were received by the LEA or Department staff.

Department staff provided an opportunity for public comment during the CalRecycle Monthly Public Meeting on May 19, 2015 and June 16, 2015.